

Regular Session, 2009

HOUSE BILL NO. 648

BY REPRESENTATIVE FOIL

DISTRICTS/NEIGHBORHOOD: Creates the Hermitage-Cross Creek Crime Prevention and Development District

1 AN ACT

2 To enact R.S. 33:9097.5, relative East Baton Rouge Parish; to create a crime prevention and
3 development district for Hermitage and Cross Creek Subdivisions; to provide the
4 purpose and boundaries of the district; to provide for the governance of the district;
5 to provide for the duties and powers of the district; to provide for the levy of a parcel
6 fee within the district; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9097.5 is hereby enacted to read as follows:

12 §9097.5. Hermitage-Cross Creek Crime Prevention and Development District

13 A. Creation. There is hereby created within the parish of East Baton Rouge,
14 as more specifically provided in Subsection B of this Section, a body politic and
15 corporate which shall be known as the Hermitage-Cross Creek Crime Prevention and
16 Development District, hereafter in this Section referred to as the "district". The
17 district shall be a political subdivision of the state as defined in the Constitution of
18 Louisiana.

19 B. Boundaries. The district shall be comprised of the area of the parish of
20 East Baton Rouge, lying within the following perimeter: Starting on the southwest

1 corner of the edge of Lot 80 of Cross Creek Subdivision and proceeding in a
2 northerly direction along the western edge of lot 80 to Elvin Drive then proceeding
3 northeast along Evin to Cross Creek Ave then in a north-northwest direction along
4 Cross Creek Ave and East of Lot 1 of Rosewood Subdivision to the northeast edge
5 of Lot 1 of Rosewood Subdivision then proceeding southwest along a drainage
6 servitude between lots 1 through 6 of Rosewood Subdivision and the southern
7 boundaries of Cross Creek subdivision lots 75 through 69, then turning northwest
8 and proceeding along the western boundaries of Cross Creek Subdivision lots 69
9 through 31 then proceeding northwest along the northern boundaries of lots 31
10 through 21, then proceeding northwest along the western boundaries of Hermitage
11 subdivision lots 200 through 214 to Gardere Lane, then proceeding along the middle
12 of Gardere Lane in a north-northeasterly direction to the intersection of Old
13 Hermitage Parkway, then proceeding in a southeasterly direction along Old
14 Hermitage Parkway to a drainage canal, then proceeding northeast along the northern
15 boundary of lot 401-A of Hermitage Subdivision, then proceeding southeast within
16 the drainage canal and along the northern boundaries of Hermitage Subdivision Lots
17 401 A through 415 A, then proceeding southwest within the drainage canal and along
18 the southern boundaries of Lots 415 A and 370 through 400 of Hermitage
19 Subdivision, continuing southwest within the drainage canal and along the southern
20 boundary of Hermitage lot 226 to the northeastern boundary of Lot 4 of Cross Creek
21 Subdivision, then proceeding south-southeast between the eastern boundaries of
22 Cross Creek Subdivision lots 4 through 1 and 76, then proceeding southwest along
23 the southern boundaries of Crosscreek Subdivision lots 76 through 80 to the
24 southwest corner of Lot 80, thus defining a district enclosing and consisting of 80
25 single family lots within the Cross Creek subdivision and 415 single family lots
26 within the Hermitage Subdivision and excluding any multifamily, commercial or
27 rural lots which shall be considered part of the South Burbank Crime Prevention and
28 Development District.

1 C. Purpose. The purpose of the district shall be to aid in crime prevention by
2 by increased law enforcement and private security, maintenance of common areas,
3 and related activities.

4 D. Governance. (1) The district shall be governed by a board of
5 commissioners consisting of five members appointed as follows:

6 (a) One member from Hermitage Subdivision appointed by the board of
7 directors of the Hermitage Cross Creek Homeowners Association.

8 (b) One member from Cross Creek Subdivision appointed by the Board of
9 directors of the Hermitage Cross Creek Homeowners Association.

10 (c) One member appointed by the Mayor-President of Baton Rouge.

11 (d) One member appointed by the member or members of the Louisiana
12 House of Representatives who represent the area which comprises the district

13 (e) One member appointed by the member or members of the Louisiana
14 Senate who represent the area which comprises the district.

15 (2) All members of the board shall reside within the district and be registered
16 voters in the district.

17 (3) The terms of the members shall be four years.

18 (4) The members of the board shall select from among themselves a
19 president and such other officers as they deem appropriate. The terms and
20 responsibilities of officers shall be as provided by the bylaws of the board.

21 (5) The members of the board shall serve without compensation and shall not
22 receive reimbursement for expenses.

23 E. Powers and duties. The district, acting through its board of
24 commissioners, shall have the following powers and duties:

25 (1) To sue and be sued.

26 (2) To adopt, use, and alter at will a corporate seal.

27 (3) To receive and expend funds collected pursuant to Subsection F and in
28 accordance with a budget adopted as provided by Subsection G of this Section.

1 (4) To enter into contracts with individuals or entities, private or public, for
2 the provision of security patrols or other programs in the district.

3 (5) To purchase items and supplies which the board deems instrumental to
4 achieving the purpose of the district.

5 (6) To perform or have performed any other function or activity the board
6 deems necessary for the achievement of the purposes of the district.

7 (7) To provide for police protection, jurisdiction over any facilities owned
8 by the district, and may contract for such services with municipalities or parishes, or
9 both, or with private enterprises within its jurisdiction.

10 F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby
11 authorized to impose and collect a parcel fee within the district subject to and in
12 accordance with the provisions of this Subsection:

13 (1) For the purposes of this Section, a parcel shall be defined as a lot, a
14 subdivided portion of ground, or an individual tract used as a residential structure.

15 (2) The amount of the fee shall be as requested by duly adopted resolution
16 of the governing authority of the district; however, the fee shall not exceed one
17 hundred dollars per parcel per year for each residential structure.

18 (3) The fee shall be imposed on each improved parcel located within the
19 district.

20 (4) The owner of the parcel shall be responsible for payment of the fee.

21 (5)(a) The fee shall be imposed only after the question of its imposition has
22 been approved by a majority of the registered voters of the district voting on the
23 proposition at a regularly scheduled election held in accordance with the Louisiana
24 Election Code. No other election shall be required except as provided by this
25 Paragraph.

26 (b) The fee shall expire ten years from its initial levy but may be renewed as
27 provided in Subparagraph (a) of this Paragraph. If renewed, the term of the
28 imposition of the fee shall be as provided in the proposition authorizing such
29 renewal, not to exceed ten years.

1 (6) The district may collect the parcel fee by use of any means authorized by
2 law for the collection of taxes. The district may submit to the assessor a certified
3 list, either in hard or electronic form, reflecting the fee amounts due, the property
4 upon which each amount is levied, and the last owner of record of such property.
5 Upon receipt of such information, the assessor shall place the fee on the tax roll. If
6 the list is received by the assessor on or before October fifteenth, then the fee shall
7 be placed on the roll for the current year. If the list is received by the assessor after
8 October fifteenth, then the fee shall be placed on the roll for the next tax year. Upon
9 filing with the recorder of mortgages, the roll shall operate as a lien against all
10 property against which the fee has been assessed as provided by Chapter 3 of Subtitle
11 III of Title 47 of the Louisiana Revised Statutes of 1950. All fee amounts reflected
12 on the roll shall be subject to interest in the same manner as ad valorem taxes. The
13 assessor shall be reimbursed in the same manner as provided in R.S. 47:1993.1(C),
14 but the governing authority of the district shall not be required to pay such
15 reimbursement in advance.

16 (7) The fee shall be collected at the same time and in the same manner as ad
17 valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton
18 Rouge Parish. The sheriff shall collect and remit to the district all amounts collected
19 not more than sixty days after collection. He shall retain the same commissions as
20 he receives for the collection of ad valorem taxes. Such means of collection shall
21 include but are not limited to tax sales as provided for in Chapter 5 of Subtitle III of
22 Title 47 of the Louisiana Revised Statutes of 1950.

23 (8) Any parcel fee which is unpaid shall be added to the tax rolls of East
24 Baton Rouge Parish, and shall be enforced with the same authority and subject to the
25 same penalties and procedures as unpaid ad valorem taxes.

26 G. Budget. (1) The board of commissioners shall adopt an annual budget in
27 accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.
28 The budget and all amendments shall be submitted to the East Baton Rouge
29 Metropolitan Council.

1 (2) The district shall be subject to audit by the legislative auditor pursuant
2 to R.S. 24:513.

3 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
4 that the additional law enforcement and security personnel and their services
5 provided for through the fees authorized herein shall be supplemental to and not in
6 lieu of personnel and services provided in the district by the East Baton Rouge Parish
7 Sheriff's Office or the Baton Rouge City Police.

8 (2) If the district ceases to exist, any funds of the district shall be transmitted
9 to the governing authority of East Baton Rouge Parish and shall be used for law
10 enforcement purposes in the area which comprised the district.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Foil

HB No. 648

Abstract: Creates the Hermitage-Cross Creek Crime Prevention and Development District and authorizes the district to levy a parcel fee.

Proposed law creates the Hermitage-Cross Creek Crime Prevention and Development District within East Baton Rouge Parish as a political subdivision of the state for the purpose of aiding in crime prevention by increased security, maintenance of common areas, and related activities.

Proposed law provides for district boundaries.

Proposed law provides for the governance of the district by a five member board of commissioners comprised as follows:

- (1) One member from Hermitage Subdivision appointed by the board of directors of the Hermitage Cross Creek Homeowners Association.
- (2) One member from Cross Creek Subdivision appointed by the board of directors of the Hermitage Cross Creek Homeowners Association.
- (3) One member appointed by the Mayor-President of Baton Rouge.
- (4) One member appointed by the member or members of the La. House of Representatives who represent the area comprising the district.
- (5) One member appointed by the member or members of the La. Senate who represent the area comprising the district.

Proposed law provides that members of the board shall reside within the district and shall serve four year terms.

Proposed law provides for the selection of officers and provides that members shall serve without compensation or reimbursement.

Proposed law provides that the district shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds.
- (4) To enter into contracts for the provision of security patrols or other programs in the district.
- (5) To purchase items and supplies which the board deems instrumental to achieving the purposes of the district.
- (6) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.
- (7) To provide for police protection, jurisdiction over any facilities owned by the district, and may contract for such services with municipalities or parishes, or both, or with private enterprises within its jurisdiction.

Authorizes the governing authority of East Baton Rouge Parish, subject to the approval of a majority of district voters, to impose and collect a parcel fee on each improved parcel within the district. The amount of such fee shall be as requested by the board, but shall not exceed \$100 per parcel per year for each residential structure. Provides that the fee shall expire 10 years from its initial levy. Further provides that the fee may be renewed and if renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed 10 years.

Proposed law provides that the sheriff shall collect and remit to the district all amounts collected not more than 60 days after collection. Provides that he shall retain the same commissions as he receives for the collection of ad valorem taxes.

Proposed law requires that the board adopt an annual budget in accordance with the Government Budget Act. Further requires that the district submit a copy of the budget and all amendments to the East Baton Rouge Metropolitan Council. Provides that the district shall be subject to audit by the legislative auditor pursuant to provisions of present law.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement and security personnel and their services provided for through the levy of the parcel fee shall be supplemental to and not in lieu of personnel and services provided in the district by the East Baton Rouge Sheriff's Office or the Baton Rouge City Police. Further provides that if the district ceases to exist, any funds of the district shall be transmitted to the governing authority of East Baton Rouge Parish and shall be used for law enforcement purposes in the district.

(Adds R.S. 33:9097.5)